

## **DISCUSSION**

Applicant would request reconsideration of the outstanding Office Action. This application claims a socket wrench that has a hollow handle that holds the sockets for storage. The socket wrench is formed from Nylon 6.

The socket wrench itself is very similar to that disclosed in the cited Peters reference. The difference is that the device shown in the Peters 6,349,623 reference is made from steel, whereas the device shown and claimed in the present invention is made from Nylon 6. The rejection is based on the combination of the Peters reference and Zurbuchen et al. 5,875,693 reference which discloses a composite ratchet wrench. The body of the ratchet wrench is formed from random discontinuous glass fiber reinforced plastic material. The handle is not hollow, and it is questionable whether or not the method disclosed in the Zurbuchen patent could be used to form a hollow handled ratchet wrench.

Thus, the primary question is whether or not it is obvious to use Nylon 6 as a material to form the device shown in the Peters reference. It is applicant's position that such a substitution is not obvious. To support this, applicant is submitting the Declaration of the inventor along with the attachments disclosed therein. Previously, applicant submitted a declaration of commercial success that was entered in response to an earlier office action.

It is applicant's contention that it is clearly not obvious to form a hollow handled ratchet wrench from a plastic material. Ratchet wrenches are typically subjected to rather severe forces and, obviously, torque. It is one thing to expect the plastic to

withstand these forces. It is another thing to expect a hollow handled member to withstand these forces.

Although anecdotal, the Declaration sets forth the text of an e-mail in which a distributor for the HVAC industry expressed his opinions concerning the Ready Ratchet. He thought it would break, so he began tossing it down the hallway, trying to break it. It did not break. So, he took it outside into the parking lot and threw it back and forth like a baseball. Amazingly, the socket never once came off. The nylon housing took a beating, but held together. He then agreed to promote the product. Subsequently, he indicated that the sales of the products were very good.

Another point to consider is that these wrenches have to be of a size that can be held by an individual. If the handle were too large, the product would not sell. If it were obvious that a nylon wrench would function, the individual referred to in the Declaration would never have tested it so thoroughly. Also attached to the Declaration are a series of articles that were written in various magazines. These were unsolicited, and were not paid for by the applicant, or by anyone associated with the applicant. These all extol the virtues of this product. One indicates that it exceeds national specifications for torque. Finally, it is believed that this is the only plastic ratchet wrench currently on the market.

It may be well known that nylon is a strong material. But, absent the most sophisticated tests available, it would be extremely difficult to predict the reliability of a ratchet wrench with a hollow handle. Not until it was manufactured and tested could one

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feel comfortable that it would perform its intended purpose. It may be obvious to try Nylon 6 in this application, but, it is not obvious that one would succeed.

In light of the totality of the circumstances, applicant's claimed invention would not be obvious to one of ordinary skill in the art. Applicant would accordingly request allowance of the pending claims.

Respectfully submitted,

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